

## REMARKS

### Claim Changes

Claim 1 is amended to recite “receiving, separately, a first media content and a first media data.” Similarly, claim 9 is amended to recite “a transceiver configured to receive, separately, a first media content and a first media data,” and claim 17 is amended to recite “transmitting, separately, a second media content and a second media data.” These changes are based on page 38, lines 21 and 22 of the specification as filed. Thus, no new matter is added.

Claim 18 has been newly added. Support for the new claims can be found on page 38, lines 21 and 22 of the specification as filed. Thus, no new matter is added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

### Rejection under 35 U.S.C. § 112, first paragraph

Claim 17 was amended to remedy the objection under 35 U.S.C. §112, first paragraph. Applicant submits that claim 17 as amended overcomes this rejection. Accordingly, Applicant respectfully requests the rejection be withdrawn.

Rejection of claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by US2002/0092019 (Marcus)

Applicant respectfully traverses in part and amends in part. Applicant has amended the claims 1, 9, and 17 to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1, 9, and 17 under 35 U.S.C. § 102(b) as being anticipated by Marcus.

Applicant has carefully reviewed the present application and the cited art and has amended independent claims 1, 9, and 17 to clarify the claimed invention. In particular, independent claim 1 has been amended to recite "receiving, separately, a first media content and a first media data."

Marcus discloses that streams of media are transmitted to a receiver from a plurality of sources. The source of media performs a tagging operation to associate sets of tags with elements of the media stream. The transmitted media, in the form of programming (equated to first media content), contains markers (equated to first media data) that indicate points appropriate for insertion of additional programming material. Marcus further discloses that the parameters of such inserted content is transmitted in a header arriving with the onset of the programming/or the parameters are a part of an insertion-point marker tag. See para. [0031], lines 1-3 and para. [0148], lines 5-10 of Marcus. Therefore, Marcus discloses that the markers are contained in the received programming, and does not disclose that the markers are received separately from the programming. In contrast, Applicant's claim 1, as amended, recites "receiving, separately, a first media content and a first media data."

Regarding independent claims 9, and 17, Applicant respectfully submits that the above discussed argument apply equally to the limitations of claims 9, and 17. Applicant therefore respectfully requests withdrawal of the rejection of claims 9, and 17 under 35 U.S.C 102.

Dependent claim 4 recites the further limitation of “the first media data indicates an insertion length,” which is not anticipated either expressly or inherently, in Marcus. Marcus discloses that the programming transmitted to the receiver contains markers that indicate the points appropriate for insertion of additional programming material. See para. [0148], lines 5-7 of Marcus. In addition, Marcus discloses that the receiver further retrieves second and third tier programming and performs appropriate transitions, superimpositions between the media received from various sources. However, Marcus makes no mention that such transitions, superimpositions are performed based on an indication about length of insertion media received from the media source. In contrast, Applicant's claim recites “the first media data indicates an insertion length” corresponding to each insertion point of the at least one insertion point of the first media content.”

Dependent claim 5 recites the further limitation of “receiving the first media data before receiving the first media content,” which is not anticipated either expressly or inherently, in Marcus. Marcus discloses that if the receiver receives untagged media from the media source, the receiver tags the media using the artificial intelligence or according to a default tagging scheme. However, Marcus does not disclose that such artificial intelligence or default tagging scheme are received from the media source prior to tagging, as required by the Applicant's claim. See para. [0033] of Marcus. In contrast, Applicant's claim recites “receiving the first media data before receiving the first media content.”

Dependent claims 2-3, 6-8, and 10-16 depend from, and include all the limitations of independent claims 1, 9, and 17. Therefore, Applicant respectfully requests reconsideration of dependent claims 2-3, 6-8, and 10-16, and requests the withdrawal of the rejection.

#### New Claims

Newly added dependent claim 18 depends from, and includes further limitations of the now believed allowable claim 1. Therefore, claim 18 is believed to also be allowable.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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